

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALEXANDER N. ASANOV,	:	CIVIL NO. 1:05-CV-2098
OLGA S. PETROVA-ASANOV,	:	
LUDMILA A. ASANOV,	:	
BIOELECTROSPEC, INC.,	:	
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
GHOLSON, HICKS & NICHOLS, P.A.	:	
DEWITT T. HICKS, JR. and	:	
M. JAY NICHOLS,	:	
	:	
Defendants	:	

REPORT AND RECOMMENDATION

It is recommended that it be ordered that the corporate plaintiff, BioelectroSpec, Inc., which is not represented by an attorney, be dismissed as a party in this case. In that this corporation was not ever represented by an attorney in this case, it may not be seen to have initiated or to have pursued this litigation in a manner permitted under and consistent with the Rules of Court. The Rules of Court, LR 83.8, *et seq.*, provide for admitted attorneys to represent parties, and LR 83.18 permits a party to represent himself or herself. A corporation can not represent itself, but must proceed through representation by an attorney. *See, e.g., Simbraw, Inc. V. U.S.*, 367 F.2d 373 (3d Cir. 1966) (holding that to litigate its

rights in a court of law, a corporation must employ an attorney at law to appear for it and represent it in court); *Rowland v. California Men's Colony*, 506 U.S. 194 (1993) (holding that only a natural person may qualify for treatment *in forma pauperis* under § 1915 and stating that "[i]t has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel.").

It is recommended that BioelectroSpec, Inc. be dismissed from this civil action.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: November 30, 2005.